

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1285 be amended to read as follows:

1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The pension**
3 **management oversight commission established by IC 2-5-12-1**
4 **shall examine and make recommendations regarding the**
5 **feasibility of authorizing members of the retirement funds**
6 **administered by the board of trustees of the public employees'**
7 **retirement fund to withdraw, before retirement, a member's**
8 **contributions when the member demonstrates an immediate and**
9 **great financial need.**

10 (b) **The commission shall operate under the direction of the**
11 **legislative council and issue a final report when directed to do so**
12 **by the council.**

13 (c) **This SECTION expires December 31, 2005.**

14 SECTION 2. IC 2-3.5-3-4 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]: Sec. 4. (a)
16 The PERF board shall administer the system, which may be
17 commingled with the PERF fund for investment purposes.

18 (b) The PERF board shall:

19 (1) determine eligibility for and make payments of benefits under
20 this chapter, IC 2-3.5-4, and IC 2-3.5-5;

21 (2) in accordance with the powers and duties granted in
22 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
23 through IC 5-10.3-5-6, administer the system; and

24 (3) provide by rule for the implementation of this chapter,
25 IC 2-3.5-4, and IC 2-3.5-5.

26 (c) A determination by the PERF board may be appealed under
27 IC 4-21.5.

28 (d) The powers and duties of:

29 (1) the director and the actuary of the PERF board;

30 (2) the treasurer of state;

(3) the attorney general; and
 (4) the auditor of state;
 with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The PERF board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Legislators' retirement system records of individual participants and participants' information are confidential, except for the name and years of service of a retirement system participant.

SECTION 3. IC 5-10-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
 Sec. 3. (a) The management administration of the retirement plan created by this chapter is hereby vested in the board of trustees of the public employees' retirement fund.

(b) Records of individual participants in the retirement plan created by this chapter and participants' information are confidential, except for the name and years of service of a retirement plan participant.

SECTION 4. IC 33-13-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
 Sec. 25. (a) The board of trustees of the public employees' retirement fund shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall:

- (1) determine eligibility for and make payments of benefits under IC 33-13-9.1 and IC 33-13-10.1;
- (2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund; and
- (3) provide by rule for the implementation of this chapter and IC 33-13-9.1 and IC 33-13-10.1.

(c) A determination by the board may be appealed under the procedures in IC 4-21.5.

(d) The powers and duties of the director and the actuary of the board, the treasurer of state, the attorney general, and the auditor of state, with respect to the fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 5. IC 33-14-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]:
 Sec. 10. (a) The board shall administer the fund, which may be

commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under this chapter.

(2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for the name and years of service of a fund participant.

SECTION 6. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2003 (RETROACTIVE)]: Sec. 5. (a) The PERF board shall:

(1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;

(2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; and

(3) provide by rule for the implementation of this chapter.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, the treasurer of state, the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(d) The PERF board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(e) The 1977 fund records of individual members and

1 **membership information are confidential, except for the name**
2 **and years of service of a 1977 fund member.**

3 SECTION 7. **An emergency is declared for this act."**

4 Delete pages 2 through 3.

5 Renumber all SECTIONS consecutively.

(Reference is to EHB 1285 as printed February 20, 2004.)

Senator HARRISON